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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,119	01/11/2002	Timothy R. Fitch	283_346.02	8122

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EXAMINER

ALPHONSE, FRITZ

ART UNIT	PAPER NUMBER
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2133

DATE MAILED: 03/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/044,119

Applicant(s)

FITCH ET AL.

Examiner

Fritz Alphonse

Art Unit

2133

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 May 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>4 and 6/2004</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

0.1 This office action is in response to amendment filed on 7/02/2004. Claims 1-24 are pending and claims 25-38 are added.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 25-28, 32-35, 38 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Particularly, as to claim 25, the limitations “wherein said housing includes a portion configured for grasping by a customer while the customer enters data using the touch screen” cited in line 6 of the claim have nowhere been disclosed in the specification. In addition, as to claims 32-32, the limitations “sideward extending lip extends at least about (0.25 inch, 0.50 inch 0.75 inch”, have nowhere been disclosed in the specification.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-7, 25-31, 36-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Valliani (U.S. Pat. No. 6,234,389).

As to claim 1, Valliani (fig. 1-6) shows a portable transaction terminal (portable computing device 10) for processing POS transactions (see abstract), said terminal comprising a housing having a base, a top; a touch screen (340) disposed in said head portion comprising display and a touch sensitive overly (see col. 7, lines 30-38), said terminal (10) having a mode of operation in which said touch screen displays a virtual keyboard (note in figure 7 the virtual pinpad or keyboard 370) for accommodation of data entry into side keypad. Valliani (fig. 3) shows an insert style reader unit (module 200) comprising at least one of a mag stripe (magnetic stripe reader 210) and smart card reader (230), wherein said reader unit is disposed in said lip, said reader unit having a feed slot (290) opening toward a front of said housing (col. 4, lines 4-61).

Villiani does not explicitly disclose an enlarged head portion extending forwardly from the base to define a lip.

However, a portable transaction device including “an enlarged head portion extending forwardly from the base to define a lip” is a design choice. This would not affect the good functionality of Valliani’s point of sale transaction system.

As to claims 2, Valliani (fig. 6) shows a transaction terminal including a mode in which said touch screen (340) is adapted for signature capture.

As to claim 3, Valliani (fig. 6) shows a transaction terminal, wherein said base comprises a detachable riser (note figs. 2-6 module 200 is detachable from module 10).

As to claim 4, Valliani (fig. 5) shows a transaction terminal, wherein said housing (200) further comprises an integrated fingerprint scanner unit (320).

As to claims 5-6, Valliani (fig. 6) shows a transaction terminal, wherein said reader unit (200) is a hybrid mag stripe (290) and smart card unit (230), and wherein said reader unit is disposed.

As to claim 7, Valliani (fig. 6) shows a transaction terminal further comprising an RF communication interface for enabling communication with a nonintegrated computer system (col. 4, lines 14-22).

As to claim 25, Valliani (figs. 1-6) shows a transaction terminal (figs. 5, 6) including a housing (see figures); a touch screen (330); a card reader (not slot 290 and card 230); a control circuit in communication with said touch screen and said card reader (col. 6, lines 25-46);

Valliani does not explicitly disclose a housing including a portion configured for grasping by a customer while the customer enters data using the touch screen.

However, a portable transaction device including “a housing portion for grasping by a customer while the customer enters data using the touch screen” is a design choice. Such a design would not affect the functionality of Valliani’s point of sale transaction system.

As to claims 26-28, the claims have substantially the limitations of claim 25; therefore, they are analyzed as previously discussed in claim 25 above.

As to claim 29, Valliani (figs. 1-6) shows a transaction terminal including a base (200) having a first sideward extending lip (see section 200); a touch screen housed within said base, said touch screen (320) accessible by a user; and a card reader disposed within said base (note magnetic stripe reader 210 and smart card reader 230).

As to claims 30-31, Valliani (figs. 2-3, 5-6) shows a transaction terminal (200), wherein the sideward extending lip is an arcuate surface including a compound curvature.

As to claim 36, Valliani (figs. 2, 5) discloses a transaction terminal (200) including a base (see fig. 5), a touch screen (320) housed within said base, said touch screen accessible by a user; and a card reader disposed within said base (note 290 and card 230).

Valliani does not explicitly disclose a base, having a circumferentially extending lip disposed proximate a top surface of the base, said circumferentially extending lip extending about substantially the entire perimeter of said top surface.

However, using a circumferentially extending lip extending about substantially the entire perimeter of said top surface of a transaction terminal is only a design choice

As to claim 37, the claim has substantially the limitations of claim 30; therefore, it is analyzed as previously discussed in claim 30 above.

As to claim 38, the claim has substantially the limitations of claim 25; therefore, it is analyzed as previously discussed in claim 25 above.

4. Claims 8-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Valliani in view of Kaplan (U.S. Pat. No. 4,902,079).

As to claim 8, Valliani (fig. 1-6) shows a portable transaction terminal (i.e., portable point of sale figure 5) for processing point-of-sale transactions (see abstract), said transaction terminal comprises a housing having a front, a top, and a base adapted for resting said terminal on a counter top, said base having a base plane defined by a bottom of said base (note in figures 2, 5 or 6 the different parts forming the device); a touch screen (340) integrated in said top of said housing, said touch screen (330 or 340) being disposed in a touch screen plane (see col. 7,

lines 30-38). Valliani (figs. 3) shows a hybrid mag stripe and smart card insert style reader unit (magnetic stripe reader 210; col. 8, lines 7-16) disposed in said housing (module 200), said reader unit having a feed slot opening (290) toward said front of said housing, said feed slot disposed in a feed slot plane (col. 4, lines 4-61).

Valliani does not explicitly teach about “the base plane, feed slot plane, and the LCD screen are all substantially coplanar”.

However, in the same field of endeavor, Kaplan (fig. 1) shows a desk mounted data collection terminal wherein the base, feed slot and display screen plane are all substantially coplanar.

Therefore, it would have been obvious to one skilled in the art at the time of the invention to modify the design of Valliani’s device so that the base, feed slot and touch screen plane are all substantially coplanar, as disclosed by Kaplan. Doing so would provide a Data Collection Terminal, which is readily converted from a desk mounted to a wall-mounted terminal.

As to claim 9, Valliani (figs. 2-6) shows a transaction terminal, wherein said housing further comprises a head portion extending forwardly from said base to define a lip, wherein said reader unit is disposed in said lip (note in figures 2-6 the different parts forming the device); a touch screen (340).

As to claim 10, Valliani (fig. 6) shows a transaction terminal, further comprising a detachable stylus (360). It is inherent the stylus holder is detachably attachable on said housing.

As to claims 11-12, Valliani does not teach about that said feed slot plane is at a slight downward angle from a back of said housing to said front, with respect to a horizontal plane, and wherein touch screen is disposed so that said touch screen plane is also at a slight downward

Art Unit: 2133

angle from said back to front. However, this limitation is clearly disclosed by Kaplan (fig. 1).

See the motivation above.

As to claim 13, Valliani (figs. 2-6) shows a transaction terminal, wherein the transaction terminal further comprising a detachable riser (note figs. 2-6 module 200 is detachable from module 10).

As to claim 14, Valliani (figs. 1-6) shows a transaction terminal comprising: a housing having a top, a front, a back end, and a base having a base plane defined by a bottom of said base (note in figures 2-6 the different parts forming the device); a control circuit encapsulated by said housing (see figure 1, module 10); a touch screen (340) in communication with said control circuit at least partially defining a top of said housing (col. 4, lines 3-21). Valliani discloses a card reader unit (200) disposed in said housing having an insert-style feed slot (290) for receiving a card (230), wherein said feed slot opens toward said front of said housing (col. 4, lines 4-61).

Valliani (fig. 5) discloses a touch screen (320). However, Valliani does not teach a screen plane angled downwardly. This is obvious and very well known in the art, as evidenced by Kaplan (fig. 1).

Therefore, it would have been obvious to one skilled in the art at the time of the invention to improve upon the desk mounted data collection terminal, as disclosed by Kaplan. Doing so would provide a Data Collection Terminal, which is readily converted from a desk mounted to a wall-mounted terminal.

As to claims 15-16, Valliani does not teach that said feed slot plane is disposed angularly downwardly from said back end to said front. However, this limitation is disclosed by Kaplan (fig. 1B). See the motivation above.

As to claims 17 and 19, Valliani (fig. 6) shows a transaction terminal including a mode in which said touch screen (340) is adapted for signature capture.

As to claim 18, the claim has substantially the limitations of claim 1, therefore it is analyzed as previously discussed in claim 1 above.

As to claim 20, Valliani (fig. 6) shows a transaction terminal further comprising an RF communication interface for enabling communication with a nonintegrated computer system (col. 4, lines 14-22).

As to claim 21, Valliani discloses a terminal, wherein said terminal includes a secure information entry circuit including a program having an encryption routine (see col. 6, lines 30-63).

As to claim 22, Valliani (fig. 1) teaches about a control circuit in a communication with a secure IC chip comprising a volatile memory (30), wherein said terminal further includes a battery (110) for powering said secure IC chip, wherein said terminal is adapted so that said battery is disconnected from said secure IC chip if said upper section (200) is removed from said lower section (10).

As to claim 23, Valliani (fig. 2) shows a terminal, wherein said housing includes a forwardly extending lip (270) and wherein said reader unit (290) is disposed in said lip.

As to claim 24, Valliani (figs. 1-6) shows a terminal, wherein said housing (200) includes an imaging assembly aperture further (50) comprises an optical reader unit comprising an

Art Unit: 2133

Imaging assembly, wherein said imaging assembly is incorporated in said housing in such manner that light received by said assembly passes through said imaging assembly aperture (col. 4, lines 4-21).

Response to Arguments

5. Applicant's arguments filed on 7/02/2004 have been fully considered but they are not persuasive.

On page 9, lines 10-11 of remarks, applicant submit “Valliani ‘389 patent does not teach the recited limitation of an enlarged head portion extended forwardly from the base to define a lip”.

In that regard, the examiner respectfully asserts that Villiani does not explicitly disclose an enlarged head portion extending forwardly from the base to define a lip.

However, a portable transaction device including “an enlarged head portion extending forwardly from the base to define a lip” is a design choice. This would not affect the good functionality of Valliani’s point of sale transaction system. It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Valliani by adding an enlarged head forming a lip at the base of the device.

On page 9, last paragraph of remarks, applicant submit that “Valliani’s patent does not teach: said touch screen defines a touch screen plane angled downwardly...”

The examiner asserts that Villiani’s patent clearly disclosed a touch screen but fails to teach the screen forms an angle downwardly. However, using “a screen angled downwardly” is obvious and very well known in the art as evidenced by Kaplan (U.S. Pat. No. 4,902,079). See figure 1B.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO Form-892.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fritz Alphonse whose telephone number is (703) 308-8534.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve Saras, can be reached at (703) 305-9720.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)


Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.


F. Alphonse

Art Unit: 2133

February 18, 2005


Primary Examiner